IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 14TH DECEMBER 2006 / 23RD AGRAHAYANA 1928

Crl.MC.No. 4043 of 2006()

AGAINST THE ORDER DATED 09/11/2006 IN CRMP 1218/06 IN CRA.221/2006 of SESSIONS COURT, WAYANAD

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PETITIONER: ACCUSED

RAFEEQUE, S/O.POCKER,
AGED 34 YEARS, SAKTHI TRADING COMPANY,
MAIN ROAD, S.BATHERY, WAYANAD.

BY ADV. SRI.RAFFEEKH.K

RESPONDENTS: COMPLAINANT & STATE

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1. K.P.MOIDEEN, S/O.ALIKUTTY,
AGE NOT KNOWN, KALATHINGAL PALLYALIL,
MANIKUNIVAYAL, S.BATHERY, WAYANAD.

2. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 14/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.NO.4043 OF 2006

Dated this the 14th day of December, 2006.

ORDER

The petitioner is the accused in a prosecution under Section 138 of the N.I Act. He has been found guilty, convicted and sentenced. He has preferred an appeal. The appellate court by the impugned order, a copy of which is produced as Annexure-1, directed that the sentence be suspended subject to conditions. One of the conditions imposed is that the petitioner must deposit an amount of Rs.20,000/- before the trial court within a period of one month from 09.11.2006. The petitioner has not been able to make the payment in time. He has come to this Court with this Crl.M.C challenging the said order.

2. The short request made by the learned counsel for the petitioner when the matter came up for hearing is only that the petitioner may be granted short breathing time to make the payment.

3. In the circumstances explained, I am satisfied that the request of the petitioner can be accepted. This Crl.M.C is, accordingly allowed and the petitioner is granted time till 31.12.2006 to make the payment/deposit of Rs.20,000/- as directed in Annexure-1.

R.BASANT
JUDGE

rtr/